

1. The defendant's "MOTION TO AMEND JUDGEMENT PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE RULE 15(c)" (ECF No. 215) is DENIED as styled and is hereby CONSTRUED as a Motion to Vacate, Set Aside or Correct Sentence, pursuant to 28 U.S.C.A. § 2255;
2. The Clerk is DIRECTED to redocket the motion (ECF No. 215) as a § 2255 motion;
3. The § 2255 motion is hereby DENIED without prejudice as successive;

4. The § 2255 motion is stricken from the active docket of the court; and

5. A Certificate of Appealability is DENIED, based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right.

ENTER: November 30, 2012

/s/ James P. Jones  
United States District Judge